

GOVERNMENT OF ANDHRA PRADESH
A B S R A C T

Social Welfare Department – Land Acquisition for House Sites –Prakasam District – Mukthinuthalapadu Village- Ongole Mandal - Land Acquired for provision of house sites to the weaker section people – Sanction of Rs.32,77,356/- towards payment of decretal charges in L.A.O.P No.103/86– Orders - Issued.

SOCIAL WELFARE (Budget & LA) DEPARTMENT

G.O Rt.No.546

Dated: 17.10.2014

Read the following

1. From the District Collector, Prakasam, Lr.No.G2/2465/2013, Dt.31.10.2013
2. From the Commissioner of Social Welfare, A.P., Hyderabad Lr.No.LA4/8261/ 2013, Dt 29.01.2014.
3. From the Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad, Lr. No. S2/131/2014, Dt. 24.02.2014.

O R D E R:

In the reference 3rd read above, the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has informed that the LAO/RDO, Ongole has acquired land to an extent of Ac. 11.62 Cts in Sy. No 237/1 & 238/1 situated at Mukthinuthalapadu Village, Ongole Mandal of Prakasam District vide Award No : 6/1985 dated 25.04.1985 , duly fixing the market value @ of Rs. 12,000/- per acre. One Sri Nethi Narashimha Sastry has filed a petition U/s 18 of LA Act, and the same was referred to Prl. Sub-ordinate Judge, Ongole. In LAOP No. 103/1986, dt : 18.11.1997 the Court have issued orders which is as follows :

1. The market value of the land is fixed at Rs. 22,000/- per acre to the land which was acquired by the Government in Sy. No : 237/1 &238/1 by setting aside the value fixed by the LAO under Award . No : 6/85
2. The claimant is entitled to get the Solatium 30% on the enhanced compensation amount in accordance with Sec 23(2) of LA Amendment Act No. 60/1984.
3. He is also entitled to get additional amount @ 12% on the over and above the land value from the date of publication u/s 4(1) notification i.e. 10.06.1984 till the date of taking possession i.e. 12.07.1984 and interest at 9% for the first year from the date of taking possession, later on at 15% pa till date of realization or till the date of deposit whichever is earlier.
4. Advocate fee is fixed at Rs. 500/-

2. Aggrieved by the Lower Court order, the claimant has filed an appeal before the Hon'ble High Court of AP in A.S. No.344/1998. The LAO has also filed an appeal before the Hon'ble High Court in A.S. No. 965/1999. The Hon'ble High Court have issued orders which are as follows :-

1. AS. No : 344/1998,dt : 04.07.2008

1. It is valued at the market rate of Rs. 60,000/- per acre pertaining to the benefits under the Act.
2. That the Claimant is entitled to all the statutory benefits including interest on Solatium and AMV as per the amended provisions of the Act.

2. AS.No : 965/1999, dt : 21.12.2009

1. That reference court has rightly fixed the compensation @ Rs. 22,000/- p.a.
2. We do not find any merit warranting interference by the court in the order under appeal.

3. The claimants are entitled to all statutory benefits including interest on 30% Solatium from the date of notification u/s 4(1) ie 10.06.1984 till the date of award i.e. 29.07.1985
4. There shall be no order as to costs. .

Further, the claimant has filed C.R.P. before the Hon'ble High Court of AP. The Hon'ble Court in C.R.P. No : 4980/2011, dt 29.11.2011 have issued orders which is as follows:

1. The market value was determined by the LAO at Rs. 12,000/- pa was enhanced by the trial court to Rs. 22,000/- and that in turn was further enhanced by this court to Rs. 60,000/-
2. Though AS.No : 344/1988 & 965/1999 filed by the claimant on one hand and the Government on the other against the same award/decrees were disposed of at different points of time, there is no conflict in the orders passed therein. There was absolutely no basis for the respondent to represent that any clarification is needed.
3. Therefore, the CRP is allowed and the executing court is directed to proceed to enforce the decree passed by the Court in AS.No : 344/1998.
4. There shall be no order as to costs.

3. Thereafter, the District Collector, Prakasam has submitted proposals to the Commissioner of Social Welfare, A.P., Hyderabad for sanction of Rs.32,74,461/- towards payment of decretal charges in LAOP No.103/86 for the lands acquired to an extent of Ac. 11.16 Cts in Sy. No : 237 & 238 in the limits of Mukthinuthalapadu Village, Ongole Mandal of Prakasam District for providing house sites to the weaker section people.

4 After verification and scrutiny of the proposals submitted by the Commissioner of Social Welfare, A.P., Hyderabad/District Collector, Prakasam, the Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad, has sent comparative calculations sheet for sanction of an amount of Rs.32,77,356/- (Rupees Thirty Two lakhs Seventy Seven thousand Three hundred and Fifty Six only) towards payment of decretal charges in LAOP No.103/86 for the lands acquired to an extent of Ac. 11.16 Cts in Sy. No. 237 & 238 in the limits Mukthinuthalapadu Village, Ongole Mandal of Prakasam District for providing house sites to the weaker section people.

5. Government, after careful examination of the above proposal, hereby accord permission to the Commissioner of Social Welfare, A.P., Hyderabad to release an amount of Rs.32,77,356/- (Rupees Thirty Two lakhs Seventy Seven thousand Three hundred and Fifty Six only) to the District Collector, Prakasam towards payment of decretal charges in LAOP No.103/86 for the lands acquired to an extent of Ac. 11.16 Cts in Sy. No. 237 & 238 in the limits of Mukthinuthalapadu Village, Ongole Mandal of Prakasam District for providing house sites to the weaker section people.

6. The expenditure sanctioned in para (4) above shall be met within the BE.2014-15 and shall be debited to the following Head of Account:

“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid”.

7. The Commissioner of Social Welfare, A.P., Hyderabad is directed to issue necessary Proceedings to the District Collector, Prakasam, to comply with the Court orders in L.A.O.P No.103/86.

Contd.,

8. The District Collector, Prakasam, shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before issue of the Proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

9. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Expr.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
SECRETARY TO GOVERNMENT(SW)

To

The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad

The Commissioner of Social Welfare, A.P., Hyderabad,
The District Collector, Prakasam,

Copy to:

The Director of Treasury & Accounts, A.P., Hyderabad,

The Accountant General, A.P., Hyderabad,

The District Treasury Officer, Prakasam,

Finance (Exp.SW/BG) Department

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER